

Needs Assessment

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Needs Assessment

Needs assessments are for adults (18 years of age or over) who may need help because of a disability, ill health, or old age.

The assessment must look at a person's physical, mental, and emotional needs, and can result in a decision to provide or arrange services for the person you look after.

Who can have a needs assessment?

Anyone who appears to have a need for care or support can have a needs assessment, regardless of the 'level' of those needs or the person's financial resources.

Even if you as the carer are providing all the care the person needs, they are still entitled to an assessment.

How do I get a needs assessment for the person I look after?

The local council has a legal duty to carry out a needs assessment once they become aware of the person's potential needs. This means that anyone can request a needs assessment for another person. You can arrange an assessment by contacting the local council of the person you look after by phone, in writing or on-line, and asking for one

How will the needs assessment be carried out?

In some areas, social services ask local organisations to carry out the assessment, but arrangements should still be made through social services, and they should explain who will carry out the assessment. The assessor should be trained and where particularly complex needs are involved, an assessor with specialist expertise or knowledge should be involved.

The assessment meeting will normally be carried out face to face, usually by a social worker or another trained professional. The meeting should be carried out in a convenient and private place, usually at the cared for person's home.

Assessments can be done over the phone or online, but this should only happen if the person you look after agrees to it. Online or telephone assessments are unlikely to ever be appropriate for people who lack capacity or have difficulties with communication.

If the person you look after agrees and has capacity, they may also carry out a self-assessment. The local council will still be involved to help support the process, and to be satisfied that the person has identified all of their needs.

The law says that local councils should apply an appropriate approach to enable the person being assessed to have their needs and wishes heard, such as to allow as much contact with the local council as they need.

The local council should consider the following when assessing the person, you look after:

- their needs and how that impacts on their care
- the things that matter to them, for instance, a need to help with getting dressed or support to get to work
- their choices and goals, for example if they wish to take up a new activity or maintain relationships, and preferences for their day-to-day care
- the types of services, information, advice, facilities, and resources which will prevent or delay further needs from developing, helping the person stay well for longer (for example, the local council may offer them a period of reablement to reduce needs and regain skills, before completing the assessment)
- the needs of their family

As a carer you are entitled to be involved in the assessment if the person you look after wishes.

How will the local council decide whether the person you look after is eligible for support?

Following their assessment, to be able to receive services and/or direct payments from the local council, the person you look after will need to meet the national eligibility criteria and therefore have what the law calls 'eligible needs'.

Importantly, the fact that an adult's needs are currently being met by a carer is irrelevant in deciding whether or not the person you look after meets the eligibility criteria.

There are three questions the council will have to consider in making their decision:

1. Does the person you look after have care and support needs as a result of a physical or mental condition?
2. Due to care and support needs is the person you look after unable to achieve or meet two or more desired goals or outcomes?
3. Is there, or is their likely to be a significant impact on the person's wellbeing?

If the answer to all three questions is yes, then the person you look after will have eligible needs for care and support. These questions are explained in more detail below.

Does the person you look after have care and support needs as a result of a physical or mental condition?

This can include physical, mental, sensory, learning, or cognitive disabilities or illnesses, substance misuse or brain injury. There is no need for a formal diagnosis.

2. Due to care and support needs is the person you look after unable to meet two or more desired goals or outcomes?

The desired goals or outcomes are:

- eat properly and maintain proper nutrition
- maintain personal hygiene
- manage toilet needs
- dress appropriately
- able to use and move about the home safely
- maintain their home in a fit and proper state
- maintain and develop relationships with family and friends
- take part in any work, education, training or volunteering they may wish to
- be able to participate in social activities, hobbies and make use of public transport and local services
- look after any children they have responsibilities for

In considering whether or not they can achieve the above outcomes, the law states that the council must take into account any difficulties they have. They will be considered unable to achieve the outcome if they:

- need assistance to achieve the outcome
- can achieve the outcome unaided but experience significant pain, distress, or anxiety
- can achieve the outcome unaided but doing so endangers, or may endanger their or another person's health and safety
- can achieve the outcome with assistance, but it takes significantly longer than would normally be expected

3. Is there, or is there likely to be a significant impact on the person's wellbeing?

The definition of 'well-being' is very broad and includes things like personal dignity, control over your day-to-day life, participation in education, work or social activities, relationships with other people, having suitable accommodation, and protection from abuse and neglect.

The word 'significant' is not defined in law and so it should be given its everyday normal meaning. If you think that the effect on you is noticeable or important, this could count as significant.

When making a decision about whether there is, or is likely to be, a significant impact on the wellbeing of the person you look after, there are certain principles the local authority must take into account.

What help might the person I look after get?

If the person you care for doesn't have eligible needs

If the local council decides that the person you care for does not have eligible needs, then they must be given a written decision explaining this.

They must also be given advice and information about what could be done to prevent or reduce their needs either now or in the future. This advice and information should be based on their specific circumstances.

If the person you care for does have eligible needs

If the local council decides that the person you care for does have eligible needs, then providing they want them to, the local council must draw up a care and support plan detailing how these needs will be met.

If the eligible needs of the person you look after are already being met in some way (e.g., by you as a carer), then the local council do not have to meet these particular needs, but they should still be recorded in the care and support plan. As a carer you are entitled to be involved in this process if the person you look after agrees. The council cannot lawfully assume that you will continue to meet the adult's needs. Therefore, it is important for you to be clear about the level of care you are willing and able to provide.

If the eligible needs of the person you look after are not already being met in some way then providing, they want them to, the local council have a legal obligation to meet these needs.

The local council can provide services themselves or arrange services through another organisation. Alternatively, the person you look after can request direct payments, which are payments which enable them to buy services to meet their eligible needs.

Unless it is a service that the local council provides free of charge, they must carry out a financial assessment to work out whether the person you care for has to make a contribution and if so, how much.

Note: If the outcome of the financial assessment is that the person you care for will have to pay the full charge, then the local council only has to meet their unmet eligible needs and draw up a care and support plan if they want them too. The local council can then issue an additional charge for this.

The care and support plan must include:

- details of the needs identified in the assessment
- which needs meet the eligibility criteria
- which needs the local council is going to meet, and how
- the outcomes that the person you care for wants to achieve
- the personal budget available (the amount of money that the local council has worked out it will cost to arrange the necessary care and support for them)
- information about direct payments
- information and advice on what can be done to reduce their needs, and to prevent or delay the development of needs in the future

Some examples of the kind of help that could be available to the person you look after:

- changes to their home to make it more suitable
- equipment such as a hoist or grab rail
- a care worker to help provide personal care at home
- a temporary stay in residential care/respice care
- meals delivered to their home
- a place at a day centre
- assistance with travel, for example to get to a day centre
- laundry services
- replacement care so you can have a break

What will the person you look after have to pay?

Unless it is a service that the local council provides free of charge, they must carry out a financial assessment to work out whether the person you look after has to make a contribution towards their care and if so, how much.

The financial assessment

The financial assessment will look at the income and capital of the person you look after (including any share of joint income or capital), and the outcome could be that:

- They are entitled to receive the services free of charge.
- They have to pay something towards the costs of the services they receive.
- Their income or capital is above the threshold and so the local council does not have to provide them with any services. In this situation, they can still ask the local council to meet their needs, however the local council can not only charge for the services provided, they can also charge for the cost of arranging and managing those services.

This is how the local council work out what they will pay:

Step 1: They decide which services they will provide and their cost.

Step 2: They check if the person has savings or assets (capital) above a certain amount (see below).

Step 3: They work out how much income the person has coming in (see below).

Step 4: To ensure that the person has enough money to live on the local council has to leave them with a protected amount. For residential care this amount is called the Personal Expenses Allowance (PEA) which from April 2022-23 will be £25.65 a week (this amount can be increased in certain situations). For non-residential services this amount is called the Minimum Income Guarantee (MIG) which is equivalent to Income Support or the Guarantee Credit element of Pension Credit (plus any relevant premiums excluding the severe disability premium), plus a buffer of 25%.

Step 5: The local council will charge an amount from the person's income and capital above the protected amount.

Capital

The upper capital limit for 2022/2023 is £23,250. This means that if the person has capital over this amount, they will pay the full cost for any services they receive.

The lower capital limit for 2022/2023 is £14,250. This means that if the person has capital below this amount, it should be ignored for the financial assessment.

If the person's capital is between £14,250 and £23,250, £1 a week for every £250 is taken into account as income. So, if the person has capital of £4,000 above the lower capital limit, £16 will be taken into account as income a week.

For residential care, the value of the person's home may be taken into account as capital. However, there are exceptions to this rule such as when certain people will remain in the home, so do get further advice from the Carers UK Helpline

For non-residential services, the value of the person's home should not be taken into account as capital.

Income

When deciding how much income they have, only some income is taken into account. Certain types of income are always ignored including:

- earnings (employed or self-employed)
- the mobility component of Disability Living Allowance to Personal Independence Payment (PIP)
- Child Benefit and Child Tax Credit

The local council can treat disability related benefits, such as the care component of DLA, the daily living component of PIP, or Attendance Allowance as income. If they do, they should deduct any disability related expenditure before they take it into account as income. Examples of disability related expenditure could include:

- laundry and specialist washing powders
- special dietary requirements
- special clothing or footwear
- extra bedding, for example, because of incontinence
- extra heating or water costs
- garden maintenance, private cleaning, or domestic help, if needed because of disability and not provided by social services
- privately arranged care services, including respite care
- the purchase, maintenance and repair of disability related equipment
- transport costs needed because of disability, over and above the mobility component of DLA or PIP

This list is not exhaustive. Other items can be included as long as they are reasonably needed for the person to live at home.

Most other benefits will be taken into account as income in full.

Source: Carers UK

Please contact your local **Wigan Council** for support and advice regarding a Needs Assessment

Wigan Council

Adult Health and Social Care Team 01942 828777

Wigan and Leigh Carers Centre

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Hindley
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WN2 3BD

01942 697885 Opening hours 9-4:30pm Monday - Friday info@wlccarers.com

Carers UK Helpline

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